

**ENTERED**

May 27, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISIONLANCE J. LACAZE,  
TDCJ # 00925560,

Plaintiff,

VS.

ARNOLD CANUL, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:19-4802

**ORDER OF DISMISSAL**

On November 29, 2019, state inmate Lance LaCaze filed a civil rights complaint (Dkt. 1). On December 11, 2019, the Court issued a notice of deficient pleading instructing Plaintiff to pay \$400 or file an application to proceed *in forma pauperis* and a certified trust fund account statement (Dkt. 3). The order warned Plaintiff that failure to comply with the Court's instructions within thirty days could lead to dismissal under Federal Rule of Civil Procedure 41(b). The Clerk supplied Plaintiff with the necessary form.

Plaintiff's deadline for compliance was January 10, 2020. LaCaze filed a motion to proceed *in forma pauperis* (Dkt. 4), along with two other motions, but did not submit his certified trust fund account statement. On February 27, 2020, the Clerk issued a second notice of deficient pleading (Dkt. 7) with a dismissal warning, again instructing LaCaze to file his account statement. LaCaze did not comply with the instructions, but filed a letter alleging retaliation (Dkt. 8). On March 30, 2020, the Clerk issued a third


notice of deficient pleading with additional instructions about obtaining the account statement (Dkt. 9).

To date, LaCaze has not paid the filing fee or submitted an *in forma pauperis* application that is supported by a certified trust fund account statement. Under the inherent powers necessarily vested in a district court to manage its own affairs, the Court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Gates v. Strain*, 885 F.3d 874 (5th Cir. 2018); *Nottingham v. Warden, Bill Clements Unit*, 837 F.3d 438, 440–41 (5th Cir. 2016) (a district court may dismiss an action *sua sponte* for failure to prosecute an action or to comply with court orders). However, upon a proper showing from Plaintiff and compliance with all past orders from the Court, relief from this order may be granted in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

The Court **ORDERS** that this case is **DISMISSED without prejudice**. All pending motions, if any, are **DENIED without prejudice**.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, this 27th day of May, 2020.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE